



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF THINK 12)
CORPORATION D/B/A HELLO DEPOT FOR)
AUTHORITY TO PROVIDE LOCAL EXCHANGE) ORDER
TELECOMMUNICATIONS SERVICES THROUGHOUT)
THE STATE OF NEW JERSEY)

DOCKET NO. TE03121022

(SERVICE LIST ATTACHED)

BY THE BOARD:

Pursuant to N.J.S.A. 48:2-1 et seq. and Section 253 of the federal Telecommunications Act of 1996, 47 U.S.C. §151 et seq., and by letter dated December 18, 2003, Think 12 Corporation d/b/a Hello Depot ("Petitioner" or "Hello Depot") filed a Petition with the New Jersey Board of Public Utilities ("Board") requesting authority to provide resold and facilities-based local exchange telecommunications services in the State of New Jersey.

Hello Depot is a privately held corporation organized under the laws of the State of Illinois. Petitioner's principal offices are located at 1530 Barclay Blvd., Buffalo Grove, IL 60089.

Petitioner has submitted copies of its Articles of Incorporation and Certificate of Incorporation from the State of Illinois and its New Jersey Certificate of Authority to Operate as a Foreign Corporation. According to the Petition, Hello Depot was formed to provide resold and facilities-based local exchange telecommunications services throughout New Jersey. Petitioner states that it has local exchange applications pending in the State of California, Georgia, Florida, Hawaii, Illinois, Massachusetts, New York, Texas and Washington. Petitioner states that currently it does not have an interconnection agreement with any other telecommunications companies. However, once the Board grants it authority requested herein, the Petitioner will enter into an interconnection agreement with the incumbent local exchange carriers ("ILEC") of

its choice. Petitioner states that it has not been denied authority to provide telecommunications services in other jurisdictions.

Petitioner seeks authority to provide resold and facilities-based local exchange telecommunications services to both residential and business customers throughout the State of New Jersey. Petitioner states that it will combine switch-less resale, leasing of local loops in conjunction with resale purchasing Unbundled Network Elements ("UNE") from Verizon. The Petitioner states that it plans to provide basic telephone exchange, data, internet, digital subscriber line, access, call waiting and forwarding, speed dialing, distinctive ringing and three-way calling service. Petitioner further states that it will also offer operator, 911 and E911, directory listing, third party calling arrangements, local calling and per use call return and call redial service. Petitioner states that upon its entry into the New Jersey market, Hello Depot intends to rely upon the equipment and facilities of the ILEC for the provision of local exchange services through UNE. Petitioner states that it has filed a proposed local exchange tariff for Board approval and maintains a toll-free number for its customer service inquiries.

Petitioner requests a waiver of N.J.S.A. 48:3-7.8 and N.J.A.C. 14:1-4.3, which require that books and records be kept within the State of New Jersey and be maintained in accordance with the Uniform System of Accounts ("USOA"), respectively. In the interest of efficiency and to prevent undue burden, Petitioner requests permission to maintain its books and records in accordance with Generally Accepted Accounting Principles and to keep all books, records, documents and other writings incident to the conduct of Petitioner's business in the State of New Jersey at Petitioner's corporate offices in Buffalo Grove, Illinois. Petitioner also states, upon written notice from the Board and/or Board Staff, it will provide its books and records at such time and place within New Jersey as the Board may designate and will pay any reasonable expenses for examination of the records.

Petitioner asserts that approval of its Petition will further the public interest by expanding the availability of competitive telecommunications services in the State of New Jersey. Petitioner also asserts that approval of this Petition will provide New Jersey customers with access to new technologies and service choices and will permit customers to achieve increased efficiencies and cost savings.

With regard to its technical and managerial qualifications, Hello Depot states that it possesses the technical capability and managerial qualifications to operate and manage its telecommunications operations in the State of New Jersey. Petitioner has submitted the professional biographies of its key personnel who, according to Hello Depot, are well qualified to execute its business plans and have extensive managerial and technical experience in the telecommunications industry.

DISCUSSION

On February 8, 1996, the federal Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, codified in scattered sections of 47 U.S.C. §151 et seq., was signed into law, removing barriers to competition by providing that:

[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

[47 U.S.C. §253(a)].

Therefore, Board approval of Petitioner's entry into the telecommunications marketplace is required, assuming Petitioner meets all other requirements, including, but not limited to, a demonstration of financial, technical and managerial integrity.

In considering this Petition, the Board recognizes its obligation not to prohibit entry into intrastate telecommunications markets. 47 U.S.C. §253(a). The Board also considers the New Jersey State Legislature's declaration that it is the policy of the State to provide diversity in the supply of telecommunications services and the Legislature's findings that "competition will promote efficiency, reduce regulatory delay, foster productivity and innovation" and "produce a wider selection of services at competitive market-based prices." N.J.S.A. 48:2-21.16(a)(4); N.J.S.A. 48:2-21.16(b)(1) and (3).

Therefore, having reviewed Hello Depot's Petition and the information supplied in support thereof, the Board FINDS that the Petitioner is in compliance with the Board's filing requirements to provide telecommunications services in New Jersey. Accordingly, the Board HEREBY AUTHORIZES the Petitioner to provide local exchange telecommunications services throughout New Jersey subject to approval of its tariff. The Board also FINDS that in accordance with N.J.S.A. 48:2-59 and 48:2-60 and N.J.S.A. 52:27E-61 and 52:27E-62, the Petitioner is subject to an annual assessment by both the Board and Division of Ratepayer Advocate, respectively. The Board notes that the Petitioner will not be permitted to provide telecommunications services until a tariff is approved by the Board.

The Board HEREBY ORDERS that:

- 1) Pursuant to N.J.S.A. 48:2-16.3, Petitioner shall file an annual report as of December 31 of each year, which is due on or before March 31 of the following year.
- 2) Pursuant to N.J.S.A. 48:2-59 and 48:2-60, Petitioner shall file a statement of gross intrastate revenues from operations form (AR3-1) as of December 31 of each year, which is due on or before June 1 of the following year.

On or before February 1st of each year, the Petitioner will receive from the Division of Audits an annual report package and a statement of gross intrastate revenues from operations form for the preceding calendar year. The purpose of these documents is to report the Petitioner's financial information and gross intrastate revenues from operations as of December 31 of each year. The annual report and a statement of gross intrastate revenues from operations form are due on or before March 31 and June 1 of the following year, respectively. If Petitioner does not receive these documents, it is Petitioner's responsibility to obtain them from the Board. It is also the Petitioner's responsibility to ensure timely filing of these reports.

Regarding the Petitioner's request for waivers of the Board rules, the Board FINDS that the Petitioner has demonstrated good cause why the Board should grant relief from its requirements that the Petitioner maintain its books and records in accordance with USOA and within New Jersey. Therefore, subject to the Petitioner's continuing responsibility to provide the Board books and records upon 48 hours notice, and in the manner requested, and to pay to the Board any reasonable expenses or charges incurred by the Board for any investigation or examination

of these books and records, the Board APPROVES the Petitioner's request for the exemptions from maintaining its books and records in accordance with USOA and in New Jersey.

DATED: 3/3/04

BOARD OF PUBLIC UTILITIES
BY:

(SIGNED)

JEANNE M. FOX
PRESIDENT

(SIGNED)

FREDERICK F. BUTLER
COMMISSIONER

(SIGNED)

CAROL J. MURPHY
COMMISSIONER

(SIGNED)

CONNIE O. HUGHES
COMMISSIONER

(SIGNED)

JACK ALTER
COMMISSIONER

ATTEST:

(SIGNED)

KRISTI IZZO
SECRETARY

IN THE MATTER OF THE PETITION OF THINK 12 CORPORATION
D/B/A HELLO DEPOT FOR AUTHORITY TO PROVIDE
LOCAL EXCHANGE TELECOMMUNICATIONS
SERVICES WITHIN THE STATE
OF NEW JERSEY

DOCKET NO. TE03121022

SERVICE LIST

1. Petitioner's Contact Person:

Kap S. Chang,
Chief Executive Officer
THINK 12 CORPORATION
d/b/a Hello Depot
1530 Barclay Blvd
Buffalo Grove, Illinois 60089

2. Petitioner's Consultants:

Joseph Isaacs
ISG-Telecom Consultants
838 Village Way, Suite 1200
Palm Harbor, Florida 34683

3. Petitioner's Attorney:

Andrew M. Klein Esq.
KELLY DRYE & WARREN LLP
200 Kimball Drive
Parsippany, New Jersey 07054

4. Board's Staff:

Walter P. Szymanski
Director, Division of Audits
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

5. Ratepayer Advocate:

Seema M. Singh, Esquire
Acting Director and Ratepayer Advocate
Division of the Ratepayer Advocate
31 Clinton Street, 11th Floor
P. O. Box 46005
Newark, New Jersey 07101

6. Deputy Attorney General:

Alex Moreau
Department of Law & Public Safety
Division of Law
124 Halsey Street, 5th Floor
P. O. Box 45029
Newark, New Jersey 07102

7. Board's Staff:

Anthony Centrella
Director, Division of Telecommunications
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102